

**Ravalli County Planning Board
Meeting Minutes for May 7, 2008
7:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Quast Dairy Lots (R&G Inc.) Major Subdivision

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Lee called the meeting to order at 7:15 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
John Carbin (absent - excused)
Jim Dawson (present)
Ben Hillicoss (present)
Dan Huls (absent - unexcused)
JR Iman (absent - unexcused)
Lee Kierig (present)
Chip Pigman (absent - excused)
Les Rutledge (present)
Jan Wisniewski (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Tristan Riddell
Kimberli Conder

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from April 23, 2008. There was one. Pending the correction that Lee stated, the minutes were approved.

4. Amendments to the Agenda

There were none.

5. Correspondence

There were none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Quast Dairy Lots (R&G Inc.) Major Subdivision

i) **Staff Report on the Subdivision**

Tristan gave the staff report stating that the Planning Department recommends that the Quast Dairy Lots Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions of the staff report. (Staff Note: the Planning Board should include a recommendation regarding parkland dedication as part of the motion.) (See Attachment B, Quast Dairy Lots Major Subdivision Staff Report)

(i) **Presentation by Subdivider's Representative**

Leonard Shepherd, of Shepherd Surveying, stated that he is in agreement with the Planning Staff's recommendations and would answer any questions that the Board may have.

(iii) **Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposal.**

There were two comments received from the public. (See Attachment C, Letter from Mrs. Griffin)

(iv) **Planning board deliberation and recommendation on the subdivision proposal.**

Lee stated that the Board would go through the six criteria and everyone would get a chance to state their opinion.

Mary Lee said that Bob's letter from the Park Board stated that the Park Board would prefer cash-in-lieu. She asked if that matter had been settled yet.

Tristan answered yes.

Mary Lee said that she is also concerned about the letter from Larry Schock regarding the pond.

Leonard stated that there is no pond on this property, what she is referring to is a drain field for irrigation.

Bob stated that we (Park Board) have a new sheet for estimating and evaluating down slopes. (See Attachment D, John Horat's Handout)

Lee asked if it is true that the recorded easement off of Quast is 30 ft.

Leonard stated that where there is no dedicated easement the county de facto is 60 feet. But through use that easement will come about.

Lee stated that he has concern about what build out is because of adding 120 extra trips on that road.

Leonard stated that he is not sure, but the pro-rata estimate has 60 foot easement incorporated into the proposal.

Lee said that he is also concerned about safety and the conditions of the road. After doing a site visit up there he said that he does not see this road being a priority of being fixed anytime soon.

Leonard stated that in the subdivision regulations it states that the developer has to agree to pro-rata and Russ has done that. It does not state deadlines for when road repairs have to be done or otherwise. Pro-rata is the mitigation for the road conditions.

Ben asked if there is a memo in the Board's packet of information.

Tristan stated that the attachment is Exhibit A-1.

Les said that they Board would prefer to see that the collected money be used for the road repair. He also brought up the idea that before the final plat is turned in that there is a request specifically for that.

Leonard asked if they as the developer even have the power to request that.

Les stated that he believed they do have that power. It is showing concern for the people of the area and that are buying from you.

Tristan stated that the regulations read the money from pro-rata goes to the grader district. If you would like to put what Les has suggested as a condition then you can go ahead and do that.

Les made a motion to state as a condition on the final plat that all money collected from pro-rata and otherwise solely go to the repair of Quast Lane instead of going to the grader district.

Dale seconded the motion.

The vote was called; the Board members voted unanimously (6-0) to approve the motion.

Ben stated that regarding the impacts on agriculture, it concerns him because everything around this land is agricultural so he was thinking that the impact of this subdivision on the lands around it would be large. Also, he is worried that this is a great loss of very useful land.

Mary Lee said, just to reiterate, there will not be any animals raised on these lands correct.

Russ said no not at all.

Ben asked where exactly the prime soils on this land are.

Tristan stated that the report shows that 16% of the land is prime soil.

Ben asked how the applicant intends on mitigating the loss of this ag land.

Russ stated that the reason he got the land from the previous owner is because he was forced to sell it because it was not productive as ag land for him.

Les said that if you go out to see this property it is all rocky. He said that it does not seem to be prime land at all. It is being irrigated right now but it is never really green.

Brian Glenn said that he owns the 80 acres to the east of this land and leases out a portion of that. He stated that his lessee is not having much luck at all because of the soil.

Ben asked about the land to the south of this property.

Russ said that the Applebury's own it and hay it.

Ben asked if the homeowners are going to be able to have a yard if these soils are so bad then.

Russ said that some of them will be affected by the soils, but for the most part people will not be affected by it.

Ben asked the Board if the majority of them had seen this property and they had. He also had some questions regarding wood stove covenants.

Tristan said that the EPA gave a presentation regarding the County's air quality and the covenants are a recommendation from them as to what what type of wood stoves should be utilized..

Ben asked what the park dedication would be.

Bob said that that comes later in their process so the Parks Board is not sure at this time.

Les stated in regards to the agricultural mitigation he thinks that the homeowners would probably prefer to irrigate and have green anyway.

Mary Lee stated that yes that would be something the Homeowners Association would deal with.

Lee said that he had a few things to say. First, Corvallis Fire is close and this location is only 8 miles from the Sheriff. This has been so common lately that the Sheriff is not responding to correspondences from the Planning Department as far as subdivisions. He said that everyone knows where he stands on that and that has not changed in a month. Also, MDH is already operating in the red and

this is also of great concern to him. He then referred to the subdivision regulations 1-3: this is too dense for where it is located. It contributes to environmental deterioration according to the state of Montana. Referring to Section 5 – again, this is too much, too dense. These lots need to be larger as it is through history.

Les stated that he agrees to a certain point, but in the absence of Countywide Zoning this cannot be upheld. He said that he would like to see less density too but there is no way to maintain it; especially when only one out of 11 adjoining landowners responded saying that they have an issue with the development. Unfortunately then, we have no basis or findings of fact then.

Ben asked about mitigation for the fire department.

Tristan said that they were giving the standard for fire and sheriff and that the rest will be given to the BCC to determine.

Dale made the motion to approve the Quast Dairy Lots Major Subdivision based on the findings of fact and conclusions of law in the staff report; and the condition of the entire pro-rata go to Quast Lane and not the grader district.

Mary Lee seconded the motion.

The vote was called; the Board voted (4-2) to approve the Quast Dairy Lots Major subdivision. (See Attachment E, The Ravalli County Planning Board Meeting Vote Sheet)

8. Communications from Staff

There was none.

9. Communications from Public

There was none.

10. Communications from The Board

Bob asked if they want to respond to the Zoning process as a board or just individuals.

Mary Lee stated that each person should and probably is participating individually so she does not think the board comments are so important.

Ben said that the LUS has talked about it and not really made a decision yet.

Lee said that this has been discussed but a decision was never made. He stated that the LUS had some review and comments and that he thinks it is prudent for this Board to discuss it and come to some issues.

Ben stated that there are two different issues here, the maps and the regs. He said that he thought the maps should be done on an individual basis since they are all in different districts, but that the regulations should probably be reviewed and gone through again together.

Les stated that he agrees with Mary Lee because he is only familiar with the Hamilton CPC and they have received a lot of good comments and he does not see this as a good time for the LUS to become involved.

Bob thinks that we should be the leaders in this situation and not just sit back and wait.

Ben just wanted to reiterate to make sure that the entire board is on the same page. He said that the LUS will not meet and the Board members will give their own individual opinions through respective CPCs.

11. New Business

Lee stated that he wants to get some things done when more Board members are present. He wants to get a procedure in place for voting and discussing subdivisions, and work on the subdivision regulation revision.

Les said that the regs are the legal code for the Planning Department and whatever the Board would want to change would be with the Planning Staff approval and they do not have time to deal with this right now. He said, we do not have any direction so there is no point in dealing with that right now.

12. Old Business

There was none.

13. Next Regularly Scheduled Meeting: May 21, 2008 at 3:00 PM

14. Adjournment

Lee adjourned the meeting at 8:55 p.m.